

REMARKS

Reconsideration is respectfully requested. This action is in response to the Final Office Action of December 16, 2004.

I. Status of the Claims

Applicants seek to cancel claims 23, 26, 27, 29-32, 37, 39, 40, 44, 46 and 47 and amend claims 22, 28, and 33-35 to reply to the Examiner's comments regarding the form of the claims, put the application in condition for allowance, and put the application in better form for consideration on appeal. As such, this Amendment After Final is proper. After entry of this amendment, claims 22, 24, 25, 28, 33, 34, 35, 36, 38, 41-43, 45 and 48 will pending.

Amendment and/or cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented, and Applicants reserve the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicants acknowledge and thank the Examiner for withdrawal of the prior claim objections and rejections.

II. Claims Rejections- 35 USC § 112**a. 35 USC § 112, First Paragraph**

The Examiner rejected claims 22-25, 28, 34-38, 41-45 and 48 for failing to comply with the first paragraph written description requirement of 35 USC § 112. Applicants respectfully disagree with the Examiner's position. However, to expedite examination, Applicants seek to cancel claims 23 and 44 and amend claims 22, 24, 25, 28, 34-38, 41-43, 45, and 48 at this time. Upon entry of the proposed amendments, claims 22, 24, 25, 28, 34-38, 41-43, 45, and 48 will be directed to a kringle 5 peptide comprising SEQ ID NO:8 for which the Examiner acknowledges support in the

application as filed. In light of these amendments to the claims, Applicants respectfully request that this ground for rejection be withdrawn.

b. 35 USC § 112, Second Paragraph

The Examiner rejected claims 22-26 and 35-48 as being indefinite under 35 USC § 112, Second Paragraph. Applicants respectfully disagree with the Examiner's position. However, to expedite examination, Applicants have cancelled claims 23, 26, 37, 39, 40, 44, 46, and 47. Claims 22, 24, 25, 35, 36, 38, 41-43, 45, and 48 have been amended to delete the reference to a "peptide corresponding to a region of mammalian plasminogen" and recite that "the kringle 5 peptide comprises SEQ ID NO:8". In light of these amendments, Applicants respectfully request this ground for rejection be withdrawn.

III. Claims Rejections- 35 USC § 102

The Examiner rejected claim 33 under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 5,981,484 (Davidson). The Examiner asserts that SEQ ID NO:13 of Davidson discloses the same peptide as SEQ ID NO:39 of the present application. Applicants respectfully disagree and submit that Applicants' SEQ ID NO:39 differs markedly from SEQ ID NO:13 of Davidson in that SEQ ID NO:39 includes maleimidopropionic acid, as indicated by "MPA-Pro-", whereas Davidson does not. Nowhere in the Davidson disclosure can be found a kringle 5 peptide of the specifically claimed sequence and further including a reactive group such as a maleimido group for covalently reacting with a functionality of a blood component. Rather, Davidson only presents, as in Formula 1 at column 2, a kringle 5 peptide with a carboxylic protective group, Y. Such a group, as its name indicates, is not for the purpose of reacting, but to the contrary, for the purpose of protecting against reaction. Reactive groups such as maleimidopropionic acid are not disclosed by Davidson. It is respectfully submitted that claim 33 is not anticipated by the Davidson reference. Accordingly, applicants respectfully request this ground for rejection be withdrawn.

Double Patenting

The Examiner has provisionally rejected claims 35-48 under the judicially created doctrine of obviousness double patenting as being unpatentable over claims 1-6, 10 and 11 of copending U.S. Application No. 09/657,431. Claims 37, 39, 40, 44, 46, and 47 have been cancelled. This ground for rejection is therefore moot as to those claims.

Applicants enclose a terminal disclaimer accompanying this response for claims 35, 36, 38, 41-43, 45, and 48 for US 09/657,431. This ground for rejection is therefore moot. Applicants respectfully request this ground for rejection be withdrawn.

IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Response to Final OA of 12/16/04/Expedited Procedure

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **500862002200**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 14, 2005

Respectfully submitted,



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